

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
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KELLEY SULLIVAN,

Plaintiff,

-against-

PORTMARNOCK RESTAURANT CORP., d/b/a :
P.D. O'Hurley's Restaurant Group and d/b/a :
Desmond's Steak House, KARIEM BOSKOU and :
PAUL HURLEY, :

Defendants. :
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14-CV-4046 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS this action was commenced on June 4, 2014;

WHEREAS Plaintiff filed an Amended Complaint on September 3, 2014;

WHEREAS on November 19, 2014, the Court granted Plaintiff's request to adjourn the status conference scheduled for November 21, 2014, *sine die*;

WHEREAS on November 20, 2014, Plaintiff obtained a Certificate of Default from the Clerk of Court certifying that Defendants Portmarnock Restaurant Corp. and Paul Hurley were served the amended summons on September 22, 2014, and failed to answer or otherwise answer the Amended Complaint; and

WHEREAS Plaintiff had 120 days to serve Defendant Boskou pursuant to Rule 4(m) of the Federal Rules of Civil Procedure and has not affirmed that timely service has been made; it is hereby

ORDERED that no later than February 6, 2015, Plaintiff shall file a letter not to exceed three pages explaining why this matter should not be dismissed against Defendants Pormarnock


Restaurant Corp and Hurley pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and Defendant Boskou pursuant to Rule 4(m) for failure to timely serve the Complaint.

It is FURTHER ORDERED that a show cause hearing shall be held on February 13, 2015, at 10:00 a.m. Plaintiff is advised that failure to appear for the hearing may result in dismissal of this action.

It is FURTHER ORDERED that Plaintiff serve a copy of this Order on the Defendants and file a proof of service no later than February 6, 2015.

SO ORDERED.

Date: January 23, 2015
New York, New York


VALERIE CAPRONI
United States District Judge